

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE EUROPEAN GOVERNMENT
BONDS ANTITRUST LITIGATION

X Lead Case No. 1:19-cv-2601
:
The Honorable Victor Marrero
:
**CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER**
X

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. Plaintiffs' position is that this case is to be tried to a jury. Defendants reserve all rights with respect to whether this case is to be tried to a jury.
2. Joinder of additional parties to be accomplished by October 17, 2022.
3. Plaintiffs propose that a motion to amended pleadings may be filed no later than October 17, 2022. Please see accompanying statement in the parties' joint letter.
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than August 12, 2022.
5. All fact discovery is to be completed either:
 - a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than _____; or
 - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than September 4, 2023.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. Initial requests for production of documents to be served by August 19, 2022.
 - b. Interrogatories to be served by all parties by 30 days prior to the close of fact discovery (August 5, 2023). Interrogatories are limited to 25 per side, not per party, absent leave of Court.
 - c. Depositions to be completed by September 4, 2023.

- i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
- ii. Depositions of all parties shall proceed during the same time.
- iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.

d. Any additional contemplated discovery activities and the anticipated completion date:

- i. The parties shall submit a proposed ESI Protocol and Protective Order no later than September 9, 2022.
- ii. Defendants shall substantially complete their production of underlying documents (e.g., chats) previously produced to the European Commission (the “EC”) responsive to Plaintiffs’ initial requests for production of documents by no later than September 16, 2022; provided, however, that the parties will meet and confer on documents Defendants propose to exclude, including: (i) privileged or work product materials and (ii) materials that Defendants contend they are prohibited from providing pursuant to law or the expectations of the EC. To the extent that any Defendant maintains that the production of any such documents is appropriately made by that Defendant pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, the parties shall meet and confer. To the extent any motion(s) for the issuance of a letter of request for international judicial assistance and related relief to this Court are required, such motions shall be submitted by September 9, 2022, and Defendants shall promptly take all steps necessary to effectuate any such production pursuant to the Request for Assistance that this Court issues.
- iii. Plaintiffs shall substantially complete their production of (i) their EGB trading records; and (ii) all cooperation materials received from any settling Defendant, responsive to Defendants’ initial requests for production of documents, by no later than by September 16, 2022, subject to objection by any settling Defendant. Defendants intend to request that Plaintiffs also produce any reports, analyses, and data that were generated by or relied upon by Plaintiffs tending to prove or disprove any analyses in the Fourth Amended Complaint (FAC). The parties will meet and confer in good faith regarding the production of such documents, including on documents Plaintiffs propose to exclude from that request, e.g., documents protected from disclosure by the attorney client privilege and work product protection.

- iv. The parties shall meet and confer regarding production of data necessary for class certification. Production of that data shall be completed (or any disputes regarding the scope of relevant data presented to the court) by February 17, 2023.
- v. Document productions shall be made on a rolling basis. The parties shall substantially complete their production responsive to the initial requests by March 24, 2023.
- vi. No requests for production may be served after July 7, 2023.

e. Requests to Admit to be served no later than July 7, 2023.

7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists, and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:

See Paragraphs 11 and 12 below.

8. Contemplated motions:

- a. Plaintiffs: Motions for final approval of Plaintiffs' settlements with State Street and JPMorgan (including motions for approval of plan of allocation and notice, fees, and expenses), motion to amend pursuant to Federal Rule of Civil Procedure 15, discovery-related motions (as may be necessary), and class certification, in Limine, Daubert, and summary judgment motions.
- b. Defendants: Motions pursuant to Federal Rule of Civil Procedure 12, Discovery-related motions, as may be necessary, in Limine, Daubert, summary judgment motions.

9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than September 7, 2023.

10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?

Yes _____ No X

11. Class Certification:

- a. Plaintiffs' deadlines to designate any experts (and serve expert reports) pursuant to Federal Rule of Civil Procedure 26(a)(2) for purposes of class certification and serve motion for class certification: May 19, 2023.
- b. Defendants deadline to serve their opposition to Plaintiffs' motion and designate any experts (and serve expert reports) pursuant to Federal Rule of Civil Procedure 26(a)(2) for purposes of class certification: July 19, 2023.

- c. Plaintiffs' deadline to serve their reply on their motion for class certification and designate any rebuttal experts (and serve rebuttal reports) pursuant to Federal Rule of Civil Procedure 26(a)(2) for purposes of class certification: September 4, 2023.

- d. The parties agree to negotiate in good faith regarding the timing of depositions of their experts proffered in support and in opposition to class certification.

12. Summary Judgment:

- a. The parties shall promptly meet and confer regarding a schedule for merits expert discovery and summary judgment upon the Court's ruling on Plaintiffs' class certification motion, and file a joint proposed schedule for expert discovery and summary judgment no later than 14 days after the Court's decision. The proposed schedule shall provide for the simultaneous exchange of merits expert reports and rebuttal reports.

TO BE COMPLETED BY THE COURT:

13. The next Case Management Conference is scheduled for _____.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York

VICTOR MARRERO
U.S.D.J.